

**AMENDMENTS TO THE CLAIMS:**

Claims 1-36 are cancelled without prejudice or disclaimer. Claims 37-60 are added. The following is the status of the above-captioned application as amended.

Claims 1-36 (cancelled)

Claim 37 (New). A recombinant marker gene encoding an orotate transporter polypeptide comprising an amino acid sequence at least 60% identical to SEQ ID NO: 2.

Claim 38 (New). The marker gene of claim 37, which is a selection marker, a screening marker, a counter-selection marker, and/or a bi-directional selection marker.

Claim 39 (New). The marker gene of claim 37, wherein the encoded orotate transporter polypeptide also transports one or more orotate analogues.

Claim 40 (New). The marker gene of claim 37, wherein the encoded orotate transporter polypeptide also transports the orotate analogue 5-fluoroorotate (FOA).

Claim 41 (New). The marker gene of claim 37, which is transcribed from at least one heterologous and/or artificial promoter.

Claim 42 (New). The recombinant marker gene of claim 37 encoding an orotate transporter polypeptide comprising an amino acid sequence at least 80% identical to SEQ ID NO: 2.

Claim 43 (New). The recombinant marker gene of claim 37 encoding an orotate transporter polypeptide comprising an amino acid sequence at least 90% identical to SEQ ID NO: 2.

Claim 44 (New). The recombinant marker gene of claim 37 encoding an orotate transporter polypeptide comprising an amino acid sequence at least 95% identical to SEQ ID NO: 2.

Claim 45 (New). The recombinant marker gene of claim 37 encoding an orotate transporter polypeptide comprising an amino acid sequence at least 97% identical to SEQ ID NO: 2.

Claim 46 (New). A polynucleotide construct comprising at least one recombinant marker gene encoding an orotate transporter polypeptide comprising an amino acid sequence at least 60% identical to SEQ ID NO: 2.

Claim 47 (New). The polynucleotide construct of claim 46, wherein the at least one recombinant marker gene is a selection marker, a screening marker, a counter-selection marker, or a bi-directional selection marker.

Claim 48 (New). The polynucleotide construct of claim 46, wherein the encoded orotate transporter polypeptide also transports one or more orotate analogues.

Claim 49 (New). The polynucleotide construct of claim 46, wherein the encoded orotate transporter polypeptide also transports the orotate analogue 5-fluoroorotate (FOA).

Claim 50 (New). The polynucleotide construct of claim 46, wherein the marker gene is transcribed from at least one heterologous and/or artificial promoter.

Claim 51 (New). The polynucleotide construct of claim 46, wherein the polynucleotide is DNA.

Claim 52 (New). The polynucleotide construct of claim 46, wherein the construct is extrachromosomal and comprises one or more sequence(s) providing autonomous replication and/or autonomous maintenance in a host cell.

Claim 53 (New). The polynucleotide construct of claim 46, which is integrated into the genome of a host cell.

Claim 54 (New). The polynucleotide construct of claim 46, which is a plasmid, a linearized plasmid, or a multimerized plasmid.

Claim 55 (New). The polynucleotide construct of claim 54, wherein the plasmid comprises at least one origin of replication that is functional in a host cell.

Claim 56 (New). The polynucleotide construct of claim 46, which further comprises at least one selection marker gene which encodes a polypeptide which in turn confers resistance to an antibiotic when expressed in a host cell.

Claim 57 (New). The recombinant marker gene of claim 46 encoding an orotate transporter polypeptide comprising an amino acid sequence at least 80% identical to SEQ ID NO: 2.

Claim 58 (New). The recombinant marker gene of claim 46 encoding an orotate transporter polypeptide comprising an amino acid sequence at least 90% identical to SEQ ID NO: 2.

Claim 59 (New). The recombinant marker gene of claim 46 encoding an orotate transporter polypeptide comprising an amino acid sequence at least 95% identical to SEQ ID NO: 2.

Claim 60 (New). The recombinant marker gene of claim 46 encoding an orotate transporter polypeptide comprising an amino acid sequence at least 97% identical to SEQ ID NO: 2.